

REMARKS

Claims 11, 23, 34, 46, 57, and 69 are pending in the present application. Claims 11, 23, 34, 46, 57, and 69 have been rejected. The Examiner has objected to the drawings. The specification and claims have been amended. New Claims 74-79 have been added. FIGS. 1, 2, 4, and 5 have been amended. No new matter has been introduced by these amendments or the new claims. Reconsideration and allowance is respectfully requested in view of the following remarks.

The Drawing Objections

The Examiner has objected to FIGS. 2 and 5 because the section lines are not labeled in accordance with 37 CFR 1.84(h)(3). The Applicant has amended the drawings to delete the reference "A" and added reference numbers 103 and 203. Attached are Annotated Marked-Up Drawings and replacement pages for the Examiner's approval.

Enclosed also are amended FIGS. 1 and 4, including Annotated Marked-Up Drawings and replacement pages, for the Examiner's approval.

Reconsideration and withdrawal of the Examiner's objections is respectfully requested.

The Amendment to the Specification

The Applicant has amended the specification to include the changes in the above-referenced reference numbers in the drawings and to provide further support for the claim amendments. Support for the claim amendments in the specification is provided in FIGS. 7a-7c, 8a-8d, 9 and 10, as originally filed.

In those instances where a visual representation can flesh out words, drawings may be used in the same manner and with the same limitations as the specification. *Eli Lilly*, 43 USPQ2d 1406. Information contained in any one of the specification, claims or drawings of the application as filed may be added to any other part of the application without introducing new matter. MPEP 2163.06

No new matter has been introduced by the amendments to the specification.



The Amended Claims

The Applicant has amended the claims. Claims 11 and 57 have also been amended to correct typographical errors.

The New Claims

The Applicant has added new dependent claims that have presented the subject matter in a clearer format. The previous dependent claims containing this subject matter (i.e., Claims 6, 17, 29, 40, 52, and 63) were cancelled in error. Support for these claims is provided in the specification and claims as originally filed. No new matter has been introduced by the addition of these new claims.

The § 102(e) Rejection

Claims 11, 34, and 57 stand rejected under 35 USC § 102(e) as being anticipated by Kobe et al. (U.S. Patent No. 6,610,382). Applicants respectfully disagree with the Examiner's rejection and traverses the rejection.

To anticipate a claim under 35 U.S.C. § 102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Barient, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), *cert. denied*, 484 U.S. 1007 (1988).

Claims 11, 34, and 57 have been amended to include "said top surface is characterized by an absence of upstanding stems" or "said top surface of said skin layer is characterized by an absence of upstanding stems." The Kobe et al. reference discloses that the slip control article requires primarily upstanding stems 26 constructed of an elastomeric material and a backing layer 21 to hold the structure together. (Col. 3, lines 59-61) In contrast to the present invention, the Kobe et al. invention requires the use of upstanding stems. The Kobe et al. reference does not teach each and every element of the claimed invention. Therefore, the present invention is not anticipated by the Kobe et al. reference.

Reconsideration and withdrawal of the Examiner's rejection is respectfully requested.

The § 103(a) Rejection

Claims 23, 46, and 69 stand rejected under 35 USC § 103(a) as being unpatentable over Kobe et al. Applicants respectfully disagree with the Examiner's

rejection and traverses the rejection.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

To establish *prima facie* obviousness of a claimed invention, all claim limitations must be taught by the prior art. *In re Royka*, 180 USPQ 580 (CCPA 1974). All words in a claim must be considered in judging the patentability of that claim against the prior art. *In re Wilson*, 165 USPQ 494 (CCPA 1970).

Claims 23, 46, and 69 have been amended to include “said top surface is characterized by an absence of upstanding stems” or “said top surface of said skin layer is characterized by an absence of upstanding stems.” The Kobe et al. reference discloses that the slip control article requires primarily upstanding stems 26 constructed of an elastomeric material and a backing layer 21 to hold the structure together. (Col. 3, lines 59-61) In contrast to the present invention, the Kobe et al. invention requires the use of upstanding stems. The Kobe et al. reference does not teach each and every element of the claimed invention. Therefore, the Examiner has failed to make a *prima facie* case of obviousness.

Reconsideration and withdrawal of the Examiner’s rejection is respectfully requested.

Cited Prior Art

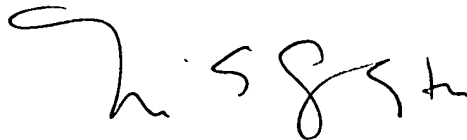
The prior art cited (U.S. Patent No. 4,401,050 to Britt et al., U.S. Patent No. 4,985,942 to Shaw, U.S. Patent No. 5,626,094 to Jeffery et al., and U.S. Patent No. 5,687,424 to Masley) and not relied upon is believed to comprise general information that does not render the present application anticipated or obvious.

Request for Allowance

It is believed that this Amendment places the above-identified patent application into condition for allowance. Accordingly, entry of this Amendment is appropriate and is respectfully requested.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Respectfully submitted,
SIERRA PATENT GROUP, LTD.

A handwritten signature in black ink, appearing to read 'N. E. Coppes-Gathy', written over the printed name.

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Dated: March 12, 2004

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